



# Cabinet (Resources) Panel

29 July 2014

<b>Report title</b>	Flood Risk Management in the Black Country	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor John Reynolds City Services	
<b>Key decision</b>	No	
<b>In forward plan</b>	No	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Tim Johnson, Education and Enterprise	
<b>Originating service</b>	Transportation	
<b>Accountable employee(s)</b>	Lydia Barnstable Tel Email	Head of Transportation 01902 555684 lydia.barnstable@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	N/A	

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## Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the proposed joint working arrangements with the metropolitan borough councils of Dudley, Sandwell and Walsall in respect of the Councils' flood risk management functions, including the appointment of a Black Country Flood Risk Manager and 25% funding contribution from Wolverhampton Council until March 2016.
2. Authorise the Chief Legal Officer to enter into any necessary legal agreement or memorandum of understanding with the other authorities.

## Recommendations for noting:

The Cabinet (Resources) Panel is asked to note:

1. The intention to develop proposals for a joint Black Country approving body for sustainable drainage, to be reported at a future meeting.

## **1.0 Purpose**

- 1.1 To approve joint working arrangements with the other Black Country authorities in respect of flood risk management, including the appointment of a Black Country Flood Risk Manager.

## **2.0 Background**

- 2.1 The Flood and Water Management Act 2010 (FWMA) established Wolverhampton City Council, along with other unitary authorities and county councils, as a Lead Local Flood Authority (LLFA) with specific duties and obligations relating to flooding. The role includes responsibility for surface water, groundwater and ordinary watercourses.
- 2.2 Under the FWMA, Lead Local Flood Authorities are required to:
- prepare and maintain a strategy for local flood risk management in their areas, coordinating views and activity with other local bodies and communities through public consultation and scrutiny, and delivery planning
  - maintain a register of assets – these are physical features that have a significant effect on flooding in their area
  - investigate significant local flooding incidents and publish the results of such investigations
  - establish approval bodies for design, building and operation of Sustainable Drainage Systems (SuDS)
  - issue consents for altering, removing or replacing certain structures or features on ordinary watercourses
  - play a lead role in emergency planning and recovery after a flood event.
- 2.3 Most county councils and larger unitary authorities have established the post of 'Flood Risk Manager' to manage their duties under the FWMA. However, given the geography of the Black Country it is felt that significant efficiencies can be achieved by the four local authorities working together and appointing a single Flood Risk Manager for the Black Country.
- 2.4 The Association of Black Country Authorities (ABCA) Chief Executives' Meeting on 16 April 2014 approved a proposal for the employment of a Black Country Flood Risk Manager to address and coordinate strategic flood risk obligations and duties across the Black Country and to establish a regional SuDS Approval Body (SAB). This will be in effect a shared service to deliver the Council's statutory duties as LLFA.

### **3.0 Post of Black Country Flood Risk Manager**

- 3.1 Officers from each of the four authorities have been working together to develop the proposal, including the preparation of a detailed job description and person specification for the post of Black Country Flood Risk Manager. It is proposed that Dudley Metropolitan Borough Council should be the employing authority for this post.
- 3.2 The Black Country Flood Risk Manager would lead on flood risk matters across the Black Country and advise all four Lead Local Flood Authorities on issues relating to flood risk and sustainable drainage. This would include flood risk strategies and action plans, asset registers, grant funding submissions, liaison meetings, public consultations, technical advice, flooding investigations, watercourse consents and emergency planning.
- 3.3 The post holder would also lead on the development of the proposed Black Country SuDS Approval Body (SAB). The timetable for this depends on the Government implementing Schedule 3 of the FWMA, the date of which is uncertain. The Department for Environment, Food and Rural Affairs (Defra) has postponed the proposed implementation date several times and its latest advice is that at least six months' notice will be given to councils prior to implementation.
- 3.4 Schedule 3 of the FWMA, when implemented, will establish each unitary authority as an approving body for sustainable drainage systems in its area. The intention is for the four Black Country authorities to establish a joint Black Country SAB. The SAB will approve, adopt and maintain new SuDS constructed in accordance with national standards. The SAB is intended to be self-financing with a combination of fee income from developers who apply for approval and charges for maintenance of adopted SuDS. The level of income is expected to grow steadily as more applications are received and more SuDS are adopted, and at the same time the SAB would be expected to employ additional staff as required to manage its workload.
- 3.5 The detailed proposal for a joint Black Country SAB will be reported to a future meeting of Cabinet (Resources) Panel for consideration once it has been fully developed and the timetable for implementation is clear.

### **4.0 Financial implications**

- 4.1 The total cost of employing the Black Country Flood Risk Manager is expected to be in the region of £80,000 per year, this would include all overheads and accommodation charges. In the first two financial years (2014/15 and 2015/16) this cost would be shared equally among the four authorities, with Wolverhampton's share of £20,000 per year (pro rata for 2014/15) being funded from its Lead Local Flood Authority revenue budget. In subsequent years it is anticipated that the cost of the post will be met from fee income and/or maintenance charges generated by the Black Country SAB, however, any income is dependent on when schedule 3 of the FWMA is implemented, if there is any such

delay Wolverhampton's share can continue to be funded from within the Lead Local Flood Authority revenue budget. [JR/09072014/C]

## **5.0 Legal implications**

- 5.1 Section 101 of the Local Government Act 1972 allows local authorities to arrange for the discharge of any of their functions by another local authority. In addition, Section 13(4) of the FWMA states that "a risk management authority may arrange for a flood risk management function to be exercised on its behalf by another risk management authority". [RB/04072014/Q]

## **6.0 Equalities implications**

- 6.1 The proposed Black Country Flood Risk Manager will be employed by Dudley Metropolitan Borough Council and the advertising and recruitment process will be subject to that authority's recruitment and employment procedures with regard to equalities.

## **7.0 Environmental implications**

- 7.1 The appointment of a Black Country Flood Risk Manager will assist with the management of key environmental issues including flooding of property, pollution of watercourses and sustainable drainage systems, to the long term benefit of the environment.

## **8.0 Human resources implications**

- 8.1 The Black Country Flood Risk Manager will be employed by Dudley MBC and there are no direct human resources implications for Wolverhampton Council.

## **9.0 Corporate landlord implications**

- 9.1 This report has no implications for the Council's property portfolio.

## **10.0 Schedule of background papers**

- 10.1 None.